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KEATING DENTAL ARTS, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

JAMES R. GLIDEWELL DENTAL
CERAMICS, INC., DBA
GLIDEWELL LABORATORIES,
a California corporation,

Plaintiff,

VS.

KEATING DENTAL ARTS, INC.,
a California corporation,

Defendants.

Civil Action No. SA-CV-11-01309(ANx)

**DECLARATION OF BOB
BRANDON IN SUPPORT OF
DEFENDANT'S REPLY RE
MOTION FOR PARTIAL
SUMMARY JUDGMENT OF
NON-INFRINGEMENT OF
TRADEMARK BRUXZIR**

**HEARING DATE: Monday,
March 26, 2012**

HEARING TIME: 8:30 a.m.

KEATING DENTAL ARTS, INC.
a California corporation,

Plaintiff.

VS.

JAMES R. GLIDEWELL DENTAL
CERAMICS, INC., DBA
GLIDEWELL LABORATORIES,
a California corporation, and
DOES 1 THROUGH 5, inclusive.

Defendants.

DECLARATION OF BOB BRANDON RE REPLY RE MOTION FOR PARTIAL SUMMARY JUDGMENT

Civ. Action No. SA-CV-11-01309-DOC(ANx)

DECLARATION OF BOB BRANDON

I, Bob Brandon, do hereby declare as follows:

1. I am over eighteen (18) years of age and have never been convicted of a felony. Except for those matters stated on information and belief, I have personal knowledge of the matters set forth in this declaration. I am fully competent to make this declaration. I am under no disabilities, physical or legal, which would affect my declaration, and if called upon as a witness, I could and would give testimony on these issues in open court as set forth herein.

2. My principal place of business is Keating Dental Arts, Inc. ("KDA"), 16881 Hale Avenue, Irvine, CA 92606. I am employed there as General Manager, and have been in this position for one year. Immediately prior to that, I was KDA's Crown and Bridge Manager for six years. In those positions, I have been involved in and am familiar with our company's business generally, and specifically in connection with our various products sold under our KDZ line and our related marketing efforts.

3. Among other things, I am aware that KDA launched its KDZ line of products in approximately April 2011. We launched three tiers of that product line, and filed an application to register each one with the U.S. Patent and Trademark Office. Those trademarks and applications are shown in the following table:

<u>KDA Product Line</u>	<u>Trademark Sought to be Registered by KDA</u>
KDZ BRUXER	
KDZ MAX	
KDZ ULTRA	

4. I also have reviewed Exhibit B to Glidewell's Complaint in the above-referenced lawsuit. The lower portion of that Exhibit B is copied and marked-up below. It shows five separate uses of our trademark in plain text (highlighted by the red ovals), all of which show the mark as two separate words: "KDZ" and "BRUXER". The one on the bottom left even separates those words onto two separate lines:

17 INTRODUCING THE ALL-NEW **KDZ BRUXER**.
 18 THE **BEST** FULL-CONTOUR ZIRCONIA SOLUTION AVAILABLE.
 19 EXCLUSIVELY FROM KEATING DENTAL ARTS.

20 The all-new KDZ Bruxer is so precise and predictable you can prep and rest assured that the job is
 21 done the first time, every time. Precision-milled and finished by hand, it fits and functions flawlessly.

22 "BEST LOOKING
 23 solid zirconia crown out there. The KDZ
 24 Bruxer is not just better than gold; these
 25 are better looking than some crowns I've
 received from other labs."
 Dr. Roy Davis, Nantucket, MA

26 CALL OR CLICK TODAY
855-532-9015
 keatingdentalarts.com

27 

28 
THE KDZ BRUXER:
 • Replaces full-cast gold
 • Is perfect for posterior bridges
 • Is the esthetic choice

FREE ADJUSTMENT & POLISH KIT
 A \$60 value with your first KDZ Bruxer use


DECLARATION OF BOB BRANDON RE REPLY RE MOTION FOR PARTIAL SUMMARY JUDGMENT

Civ. Action No. SA-CV-11-01309-DOC(ANx)

5. In all of our company's use of our KDZ trademarks, including our KDZ BRUXER trademark, we have always used them as two separate words (KDZ BRUXER, KDZ ULTRA, or KDZ MAX).

6. I had never seen nor imagined them as one word (KDZBRUXER), prior to seeing Glidewell's current Opposition filing. To my knowledge, the only place in the world where they appear as a single word is Glidewell's current Opposition.

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Signed at Irvine, California on March 12, 2012.

/Bob Brandon/
Bob Brandon

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